

## **MEMORANDUM**

**TO:** City Plan Commission  
City of Burlington

**FROM:** Meehan & Company, Inc.  
Patrick J. Meehan, AICP

**SUBJECT:** Review of the:

- a. Proposed "Farm and Garden Machinery, Equipment and Supplies Sales," "Outdoor Display of Merchandise," and "Drive-in Establishment Serving Food or Beverages for Consumption Outside the Structure" Conditional Uses in the B-1 District;
- b. PUD District Rezoning with General Development Plan Review (for the proposed 22,670 square-foot tractor supply company at Parcel 1, the proposed 27,940 square foot retail center at Parcel 3, and the proposed 3,000 square foot restaurant at Parcel 2) and Detailed Plan Review (for the proposed 22,670 square-foot tractor supply company at Parcel 1);
- c. Site Plan, Landscape Plan, and Lighting Plan Review for Proposed Conditional Uses and Proposed Retail Center; and
- d. Proposed Certified Survey Map Redivision of Parcel 1 of CSM No. 2499

for Paul Hemmer Companies Located at the SW Corner of the Intersection of Walton Road and STH 36 in U.S. Public Land Survey Section 21, T3N, R19E, in the City of Burlington

**DATE:** August 31, 2004

### **GENERAL**

Pursuant to the August 27, 2004 request of the City of Burlington, Meehan & Company, Inc. has prepared this review of the:

- a. Proposed "Farm and Garden Machinery, Equipment and Supplies Sales," "Outdoor Display of Merchandise," and "Drive-in Establishment Serving Food or Beverages for Consumption Outside the Structure" Conditional Uses in the B-1 District;
- b. PUD District Rezoning with General Development Plan Review (for the proposed 22,670 square-foot tractor supply company at Parcel 1, the proposed 27,940 square foot retail center at Parcel 3, and the proposed 3,000 square foot restaurant at Parcel 2) and Detailed Plan Review (for the proposed 22,670 square-foot tractor supply company at Parcel 1);
- c. Site Plan, Landscape Plan, and Lighting Plan Review for Proposed Conditional Uses and Proposed Retail Center; and
- d. Proposed Certified Survey Map Redivision of Parcel 1 of CSM No. 2499

for Paul Hemmer Companies Located at the SW Corner of the Intersection of Walton Road and STH 36 in U.S. Public Land Survey Section 21, T3N, R19E, in the City of Burlington

Based upon the City's earlier approved Certified Survey Map for the subject property, the subject property is a total of about 11.24 acres in area.

The entire subject property is currently zoned in the B-1 Neighborhood Business District. Also based upon a review of the City Zoning Map, it is the understanding of Meehan & Company, Inc. that no part of the subject property is under the jurisdiction of the Joint Extraterritorial Zoning Committee pursuant to the requirements of Ordinance No. 1677(25).

Within the B-1 Neighborhood Business District, "farm and garden machinery, equipment and supplies sales," "outdoor display of merchandise," and "drive-in establishment serving food or beverages for consumption outside the structure" are conditional uses that require the holding of a public hearing before the City Plan Commission pursuant to the requirements of Section 315-130 of the City Zoning Ordinance. A retail center is a permitted use in the B-1 District.

The applicant submitted the following drawings and materials:

- a. "Cover Sheet" Sheet 1 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/26/04.
- b. "Site Plan" Sheet 2 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/24/04.
- c. "Grading and Drainage Plan" Sheet 3 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/24/04.
- d. "Utility Plan" Sheet 4 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/24/04.
- e. "Erosion Control Plan" Sheet 5 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/24/04.
- f. "Landscape Plan" Sheet 6 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/5/04.
- g. "Water Main Plan and Profile" Sheet 7A of 13 as prepared by McClure Engineering Associates, Inc. dated 8/24/04.
- h. "Water Main Plan and Profile" Sheet 7B of 13 as prepared by McClure Engineering Associates, Inc. dated 8/24/04.
- i. "Details" Sheet 8 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/10/04.
- j. "Details" Sheet 9 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/10/04.
- k. "Details" Sheet 10 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/10/04.
- l. "Details" Sheet 11 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/10/04.
- m. "Details" Sheet 12 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/10/04.
- n. "Details" Sheet 13 of 13 as prepared by McClure Engineering Associates, Inc. dated 8/10/04.
- o. "Lighting Plan" (1 Sheet) as prepared by McClure Engineering Associates, Inc. (undated).
- p. "Plat of Survey" (1 Sheet) as prepared by Mark D. Nesgood, RLS of McClure Engineering Associates, Inc. dated 8/10/04.
- q. "Floor Plan-Sheet A1.01" (1 Sheet) as prepared by KZF Design, Inc. (undated, 2004).
- r. "Reflected Ceiling Plan-Sheet A1.03" (1 Sheet) as prepared by KZF Design, Inc. (undated, 2004).
- s. "Building Elevations-Sheet A2.00" (1 Sheet) as prepared by KZF Design, Inc. (undated, 2004).
- t. Three (3) sheets (8.5" x 11") of lot data pertaining to the proposed three lots to be created including data for each of the three lots relating to total lot area, green space (LSR), parking/drive area, and interior landscaping area dated 8/24/04.

- u. Certified Survey Map, 8 sheets, dated 8/2/04 as prepared by Mark D. Nesgood, RLS of McClure Engineering Associates, Inc.

*All site engineering-related portions of this project (including drainage, utility, easement, sewer, water, and other engineering-related issues) are deferred to the City Engineer for review and comment. Meehan & Company, Inc. did not review the submitted plans for compliance with City Building Codes. All proposed architectural plans would also need to be reviewed by the City Building Inspector for compliance with Building Codes.*

#### **CHARACTERISTICS OF THE PROPOSED CERTIFIED SURVEY MAP**

The proposed Certified Survey Map consists of three (3) parcels. Parcel 1 is proposed to be 4.22 acres in area, Parcel 2 is proposed to be 1.44 acres in area, Parcel 3 is proposed to be 5.58 acres in area. No new public street rights-of-way are proposed to be dedicated.

#### **CHARACTERISTICS OF THE PROPOSED DEVELOPMENT**

Based upon the various drawings submitted, the subject property is generally proposed to be divided into three (3) parcels as follows:

- a. Parcel 1 (as indicated on the proposed Certified Survey Map) is proposed to be about 183,753 square feet in area. Parcel 1 is proposed to be used for a 22,670 square-foot tractor supply company with 19,850 square feet of proposed outdoor display area. The proposed landscape surface ratio (LSR) for this lot is 28.1 percent. In addition, a total of 106 off-street parking spaces are proposed to be provided.

*The architectural plans and elevations for the tractor supply company have been submitted to the City for review and approval as a part of the PUD General Plan and Detailed Plan submittal and Site Plan review process.*

- b. Parcel 2 (as indicated on the proposed Certified Survey Map) is proposed to be about 62,708 square feet in area. Parcel 2 is proposed to be used for a 3,000 square-foot restaurant. There is a drive-thru facility associated with this restaurant. The proposed landscape surface ratio (LSR) for this lot is 40.8 percent. In addition, a total of 45 off-street parking spaces are proposed to be provided.

*The architectural plans and elevations have not yet been submitted for the restaurant and will need to be submitted to the City for review and approval as a part of the PUD Detailed Plan submittal and Site Plan review process prior to the issuance of a Building Permit for the restaurant.*

- c. Parcel 3 (as indicated on the proposed Certified Survey Map) is proposed to be about 243,037 square feet in area. Parcel 3 is proposed to be used for a 27,940 square-foot retail center. The proposed landscape surface ratio (LSR) for this lot is 49.5 percent. In addition, a total of 159 off-street parking spaces are proposed to be provided.

*The architectural plans and elevations have not yet been submitted for the retail facility and will need to be submitted to the City for review and approval as a part of the PUD Detailed Plan submittal and Site Plan review process prior to the issuance of a Building Permit for the retail facility.*

- d. Three drive entries to the subject property are indicated on the Site Plan. A 40-foot wide vehicular access drive for trucks located near the intersection of Teut Road and Walton Road; a 30+/- foot wide drive providing customer access to Walton Road; and a 24+/- foot wide drive providing access to the private frontage road (paralleling STH 36/83).

- e. The proposed tractor supply company proposed for Parcel 1 is proposed to be Phase 1. The development of both Parcels 2 and 3 are indicated as a "Future Phase Area."

## **PLANNING AND ZONING ISSUES**

- 1. **CONSISTENCY WITH CITY PLANS:** An element of the City's master plan, the adopted STH 36/83 North Corridor Plan, as set forth in Meehan & Company, Inc.'s document titled STH 36/83 North Corridor Plan: City of Burlington, Wisconsin dated April 1999 indicates the subject property to:

- a. Be developed for mixed-use retail sales/service.

*The proposed uses (at the applicant's planned locations on the subject property) would not be inconsistent with this aspect of the STH 36/83 North Corridor Plan.*

- b. Have a minimum landscape surface ratio (LSR) of 25%. [Note: On nonresidential lots, the landscape surface ratio is the minimum proportion of a site which must be devoted to natural, undisturbed and/or vegetated/revegetated areas, and can include planned stormwater detention/retention ponds. Such areas do not include areas which are paved or upon which buildings are located.

*The calculations of LSR indicated on the Site Plan indicate that the proposed LSR is actually greater than the minimum required 25 percent. Therefore, the proposed development is consistent with this aspect of the STH 36/83 North Corridor Plan.*

- c. Have landscape bufferyards along STH 36 and Teut Road where the proposed retail sales/services uses abut.

*Based upon the proposed Landscape Plan for the development, landscape bufferyards consisting of both landscape plant materials and bufferyard width meet these requirements. In addition, a decorative fencing is proposed along a significant portion of the 120-foot +/- bufferyard along STH 36/83.*

- 2. **NATURAL RESOURCE FEATURES AND SANITARY SEWER SERVICE AREA:**

Based upon a review of the City's zoning map, no 100-year recurrence interval floodplain area is present on the subject property.

No portion of the subject property is located within a SEWRPC-delineated primary or secondary environmental corridor or isolated natural area.

A review of SEWRPC's Community Assistance Planning Report No. 78 (Second Edition) titled "Sanitary Sewer Service Area for the City of Burlington and Environs" dated December 2001, indicates that the entire subject property is located within a SEWRPC-delineated sanitary sewer service area.

- 3. **B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT USE, DIMENSIONAL, CIRCULATION, AND OFF-STREET PARKING REQUIREMENTS, AND OTHER ZONING REQUIREMENTS:** The following describes the general requirements of the B-1 District and provides comments on whether aspects of the General Development Plan and Site Plan are consistent with those requirements:

- a. General Dimensional Requirements of the B-1 Neighborhood Business District: Without elaborating on all of the dimensional requirements of the Zoning Ordinance

relative to the proposed use, the following are some of the most significant requirements which must be met for any proposed use in the B-1 Neighborhood Business District:

- ☐ Minimum Lot Area: 10,000 square feet  
40,000 square feet (for lots created after June 5, 2001)
- ☐ Minimum Lot Width: 80 feet  
150 feet (for lots created after June 5, 2001)
- ☐ Minimum Front Yard: 25 feet from the street right-of-way line
- ☐ Minimum Side Yard: 10 feet
- ☐ Minimum Rear Yard: 25 feet (for lots greater than 15,000 square feet in area)
- ☐ Minimum Parking Lot & Drive Setback from Public Street Right-of-Way: 30 feet
- ☐ Maximum Building Height: 35 feet
- ☐ Minimum Landscape Surface Ratio (LSR): 25 percent

*The proposed plans appear to meet the above lot dimensional requirements of the B-1 Neighborhood Business District.*

- b. **General Requirements of the PUD Planned Unit Development Overlay District:** All of the requirements of the PUD Overlay District set forth in Section 315-43 need to be adhered to including meeting all of the content requirements as follows:

- 1) A "General Development Plan" including:

- a) A legal description of the boundaries of the subject property included in the proposed PUD District and its relationship to surrounding property.

*This was submitted by the applicant as part of the proposed Certified Survey Map (see Sheet 6 of the proposed CSM).*

- b) The location of public and private roads, driveways, sidewalks, and parking facilities.

*These are shown on the proposed Site Plan.*

- c) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.

*This has been submitted by the applicant as part of the proposed Site Plan for Parcels 1, 2, and 3. [Note: It is the understanding of Meehan & Company, Inc., based upon the Phasing Plan submitted by the applicant, that the applicant recognizes that the detailed size, arrangement, and location of other individual building sites, landscaping, and proposed building groups on Parcels 2 and 3 will need to be indicated at a future date as an amendment to the PUD District and as individual Detailed Plans and Site Plans are advanced by the applicant for Parcels 2 and 3.]*

- d) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses including schools, parks, and drainage ways.

*Open space areas and drainage ways have been identified on the various plans submitted. Institutional, recreational, and areas reserved or dedicated for public uses including schools and parks are not applicable to the current proposal for the subject property.*

- e) The type, size, and location of all structures.

*This has been submitted by the applicant as part of the proposed Site Plan for Parcels 1, 2, and 3. [Note: It is the understanding of Meehan & Company, Inc., based upon the Phasing Plan submitted by the applicant, that the applicant recognizes that the detailed size, arrangement, and location of other individual building sites, landscaping, and proposed building groups on Parcels 2 and 3 will need to be indicated at a future date as an amendment to the PUD District and as individual Detailed Plans and Site Plans are advanced by the applicant for Parcels 2 and 3.]*

- f) The general landscape treatment.

*The applicant as part of the proposed Landscape Plan submitted this plan for the proposed Phase 1 (Parcel 1 and the Teut Road landscaped bufferyard area).*

- g) The existing and proposed location of public sanitary sewer, water supply facilities, and stormwater drainage facilities.

*The applicant has submitted this as part of the proposed Utility Plan for Parcel 1 and other portions of proposed Parcels 2 and 3.*

- h) The existing and proposed location of all private utilities or other easements.

*Proposed easements (utility easements, private drive cross access/utility easements, storm sewer easements) are graphically delineated and labeled on the proposed Certified Survey Map.*

- i) Characteristics of soils related to contemplated specific uses.

*This needs to be submitted by the applicant as may be needed by the City Engineer.*

- j) Existing contours at no greater than two (2) foot intervals.

*This was submitted by the applicant as part of the proposed "Grading and Drainage Plan" for the proposed development.*

- k) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

*This was submitted by the applicant as part of the proposed Site Plan and other submitted materials as listed earlier in this memorandum.*

- l) If the development is to be staged, a staging plan.

*This was submitted by the applicant as noted on the Site Plan.*

- 2) **"Detailed Plans":** *The various plans submitted for the Parcel 1 (the proposed tractor supply company but not the proposed retail center and restaurant), and associated site improvements for Parcel 1 of the proposed CSM appear to be sufficiently detailed to be considered "Detailed Approval Plans." Under "Detailed Plan" approval of Section 315-43(K)(2)(b) of the City Zoning Ordinance, however, a letter of credit for all improvements shall be submitted before the Common Council gives final approval.*

- c. **Vehicular Circulation Between Adjacent Properties:** Section 315-26(K) of the Zoning Ordinance indicates the provision for circulation between adjacent nonresidential uses, lots, and parcels shall be provided through coordinated land access drives and access easements and/or jointly used off-street parking lots as may be required by the City Plan Commission.

*All proposed joint drive and cross access easements to foster vehicular access between adjoining properties have been graphically delineated and dimensioned on the proposed Site Plan and Certified Survey Map.*

- d. **Number of Off-Street Parking Spaces Required:** For the purposes of determining off-street parking requirements, the proposed restaurant requires the provision of 20 off-street parking spaces per 1,000 square feet of floor area plus (if there is a drive-through facility) seven (7) service lane spaces per service lane (see Section 315-481, Table 5 of the Zoning Ordinance). Under these requirements, there would be a need to provide 60 spaces plus adequate queuing spaces to accommodate each proposed service lane for a drive-through facility. *[Note: Based upon the submittal materials, it is the understanding of Meehan & Company, Inc. that the applicant is desirous of providing only 45 of the required 60 off-street parking spaces for the restaurant on Parcel 2 and that the other 15 off-street parking spaces would be provided elsewhere on Parcels 2 and 3 through the use of cross parking easements.]*

The proposed tractor supply store (a type of hardware store) requires the provision of 3.5 off-street parking spaces per 1,000 square feet of floor area (see Section 315-481, Table 5 of the Zoning Ordinance). Under these requirements, there would be a need to provide 80 spaces.

The proposed outdoor display area (a type of outdoor vehicle and hardware display area) for the tractor supply store requires the provision of one (1) off-street parking space per 1,500 square feet of outdoor display area (see Section 315-481, Table 5 of the Zoning Ordinance). Under these requirements, there would be a need to provide 14 spaces.

The proposed retail center requires the provision of 5 off-street parking spaces per 1,000 square feet of floor area (see Section 315-481, Table 5 of the Zoning Ordinance). Under these requirements, there would be a need to provide 140 spaces.

*Based upon the foregoing (excluding the off-street parking needs for a potential restaurant drive-through), a total of 294 off-street parking spaces would be required under the City's Zoning Ordinance and a total of 310 off-street spaces have been provided on the proposed "Site Plan" for the subject property. Therefore, on a site-wide basis, the off-street parking requirements are met by the proposed planned unit development plans.*

- e. **Minimum Size of Off-Street Parking Spaces:** Section 315-48(B) requires that no off-street parking space be less than 9 feet in width and 180 square feet in area.

*Based upon the Site Plan submitted, it appears that these requirements have been met.*

- f. **Minimum Required Width of Off-Street Parking Rows and Aisles:** Section 315-

48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a single row and aisle of 90-degree parking spaces needs to be a minimum of 45 feet in width and a double row and aisle of 90 degree parking spaces needs to be a minimum of 65 feet in width.

*Based upon the Site Plan submitted, it appears that these requirements have been met by the applicant for customer and employee off-street parking areas.*

- g. **Paving of Off-Street Parking and Loading Spaces:** Pursuant to the requirements of Section 315-48(E), the proposed off-street parking and loading areas shall be paved with either asphalt or concrete.

*Based upon the Site Plan submitted, it appears that this requirement has been met by the applicant.*

- h. **Concrete Curb and Gutter:** Pursuant to the requirements of Section 315-48(F), concrete curb and gutter meeting City specifications will need to be provided all proposed off-street parking areas.

*It appears that these requirements have been met by the applicant for the off-street parking lot as indicated on the plans submitted.*

- i. **Parking for Persons with Disabilities:** Pursuant to the requirements of Section 315-48(H) and Table 4, off-street parking for persons with disabilities needs to be met and indicated on the Site Plan.

*It appears that these requirements have not been met by the applicant for the development proposed for Parcels 2 and 3. Also, one (1) additional off-street parking space needs to be provided for use at Parcel 1 and so indicated on a revised Site Plan.*

- j. **Minimum Distance of Truck Parking from Any Residential Zoning District:** Section 315-48(D)(4) of the City Zoning Ordinance requires that no truck parking of Class 7 trucks (26,001 to 33,000 lbs., GVW) or greater shall be allowed within 150 feet of any residential zoning district.

*It appears that these requirements have been met by the applicant's proposed Site Plan.*

- k. **Minimum Required Landscaping Within Off-Street Parking Lots:** Section 315-48(D)(5) of the City Zoning Ordinance requires that landscape areas shall total not less than 5 percent of the surfaced area (inclusive of both parking stalls and associated drives) and that perimeter landscaped areas adjacent to the off-street parking lot shall not be included in the aforementioned required 5 percent.

*The above standard appears to be met for the proposed parking lot landscape areas of each of the three proposed lots.*

In addition, Section 315-48(D)(5) also requires that: "Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) of off-street parking spaces (or fraction thereof) within the interior of the off-street parking area." Based upon the provision of 106 off-street parking spaces for the proposed tractor supply company on Parcel 1, a minimum total of 8 canopy trees need to be placed within the interior of the off-street parking areas of the proposed Parcel 1 development.

*The detailed Landscape Plan submitted by the applicant for Parcel 1 meets this requirement.*

- l. **Minimum Required Landscape Material Size Requirements:** Sections 315-



48(D)(6)(b) and 315-52(H)(12) of the City Zoning Ordinance require that all landscape plant materials planted as either parking lot landscaping or as required bufferyards meet or exceed the minimum plant material size standards set forth in Section 315-48(D)(6)(b) of the City Zoning Ordinance at time of installation.

*These standards have been met by the submitted Landscape Plan for Parcel 1.*

- m. **Minimum Required Bufferyard Standards of the City Zoning Ordinance:** Based upon a review of the City Zoning Map and Section 315-52(H)(10) and Table 7 of the Zoning Ordinance, whenever a B-1 District abuts a residential type zoning district a landscape bufferyard of an "Intensity Factor of 2" shall be provided (typically on the property of the more intense use; (in this case, the B-1 District) and a "minimum" width of 30 feet can be required under the requirements of Section 315-52(H)(11) (also see Table 9 of the City Zoning Ordinance for the general type and quantity of plant materials required for this type of bufferyard) of the City Zoning Ordinance. It is important to note that, during the Plan Commission's site plan review, the Plan Commission is also charged with determining that:

*"The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. . . "*

The Teut Road side of the proposed development is 597.88 feet in length. Using a Type 2D landscape bufferyard from Table 9 of the City Zoning Ordinance, the following general type and minimum quantity of plant materials would be required for a 30-foot wide bufferyard:

5.9 evergreen trees per 100 feet of bufferyard length = 36  
27.3 evergreen shrubs per 100 feet of bufferyard length = 164

The proposed Teut Road landscape bufferyard (as shown on the proposed Landscape Plan) proposes the following:

6 canopy/shade trees  
52 evergreen trees (of which 28 are 12 feet tall and 24 are 8 feet tall)  
8 deciduous under story/ornamental trees  
15 evergreen shrubs  
19 deciduous shrubs

*While a slightly lesser number of shrub plant materials are proposed to be planted than the minimum number of required shrub plant materials, a total of 30 more trees have been proposed to be planted. All of the above proposed plant materials exceed the minimum required size standards of Section 315-48(D)(6)(b) of the City Zoning Ordinance by 50 to 100 percent—thereby adding more height to the landscape bufferyard immediately upon planting. In addition, the width provided for the landscape bufferyard ranges from 52 +/- feet to over 170 feet in some locations along Teut Road. Therefore, Meehan & Company, Inc. concludes that the intent of the required bufferyard is met by the proposed Landscape Plan.*

- n. **Loading Docks, On-Site Loading Spaces, and/or Building Service Areas:** Section 315-26(L)(1) of the City Zoning Ordinance indicates, in part, that: "No loading dock, on-site loading space, and/or building service area shall be located so as to face or front upon an abutting public street right-of-way (except as may be the case for a lot for which both the front and rear lot lines abut such public rights-of-way) or so as to be visible from said abutting public street rights-of-way (in the case of a lot for which both the front and rear lot lines abut such rights-of-way) . . . "

*This issue is adequately addressed by the proposed Landscape Plan.*

- o. **Outdoor Display of Merchandise:** City of Burlington Ordinance No. 1737(17) amends Section 315-26(D)(34) of the City Zoning Ordinance which sets forth the conditions which shall be met for the "Outdoor Display of Merchandise" conditional use aspects of the proposed 19,850 outside display area use for proposed Parcel 1. With respect to the dimensional-related performance standards set forth in amended Section 315-26(D)(34) of the City Zoning Ordinance, the following comments are made:
- 1) The proposed outdoor display area is accessory to an enclosed principal building and does not exceed the proposed area of the proposed principal structure.
  - 2) The proposed outdoor display area does not encroach into any required setback or landscape area.
  - 3) Additional screening and/or landscape areas may be required to prevent adverse impacts upon surrounding properties. Outdoor sales and display areas shall be screened from view from any residential public street right-of-way and from all residential properties—including Teut Road. Screening requirements are set forth in City of Burlington Ordinance No. 1737(17). More detail will need to be provided to the City as part of the Conditional Use application and Site Plan submittal which specifically addresses how the applicant intends to address all of those requirements of City of Burlington Ordinance No. 1737(17).
  - 4) The screening proposal includes the proposed landscape bufferyard preventing visibility of the outdoor sales and display area from Teut Road. Eight (8) foot tall decorative steel ornamental fencing with 2-foot by 2-foot decorative masonry columns at fence corners are proposed to enclose the area. In addition, gates are provided in order to secure access to the area. The outdoor sales and display area is improved with concrete paving.

*Based upon the foregoing, it appears that the proposed outdoor sales and display area meets the requirements of Section 315-26(D)(34) of the City Zoning Ordinance.*

- p. **Outdoor Storage:** Section 315-26(N) of the City Zoning Ordinance sets forth a number of requirements for outdoor storage. However, based upon the materials submitted by the applicant, it appears that there will not be any outdoor storage on the premises. Sales and display areas are not storage areas and are regulated by City of Burlington Ordinance No. 1737(17) (see above). If this should change in the future, the applicant shall meet all of the requirements of Section 315-26(N) of the City Zoning Ordinance regarding outdoor storage.
- q. **Trash Dumpsters:** Section 215-26(O) of the City Zoning Ordinance indicates the various requirements regarding trash dumpsters and outdoor trash storage.

*All trash dumpsters shall meet the various requirements of Section 215-26(O) of the Zoning Ordinance.*

4. **SITE PLAN REQUIREMENTS:** Section 315-137(C) of the City Zoning Ordinance sets forth the content requirements for Site Plans. With respect to the requirements of Section 315-137(C) the following comments are made:
- a. *The type and size of all signs need to be indicated on the Site Plan.*
  - b. *All stormwater calculations need to be submitted for City Engineer review.*
  - c. While a lighting plot plan indicating the location of luminaries, mounting height, and illumination

levels (in foot-candles) was submitted by the applicant, all of the requirements of Section 315-26(P) of the Zoning Ordinance need to be met including the following:

- 1) *The submission of a catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp or bulb concealment, and graphic depiction of light cutoff angles.*
- 2) *A photographic data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.*

*Exterior lighting in the B-1 District shall be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination shall be two (2) foot-candles (as measured at the property line).*

In addition:

- d. *The location of any proposed drive-through facility associated with the proposed restaurant on Parcel 2 needs to be indicated on the Site Plan.*

5. **REQUIREMENTS OF THE "DEVELOPER'S AGREEMENT FOR THE WALMART SUPERCENTER" PROPERTY:** Under the terms of the "Developer's Agreement for the Wal-Mart Supercenter" property dated October 2, 2002 (Common Council Resolution No. 3610(47)), the subject property is considered a part of Phase II (Excess Property South). In that regard, the following requirements need to be met:

- a. *Pursuant to "Agreement" requirements of Section II(C)(3), all of those drawings and data set forth there including (but not limited to) a comprehensive signage plan and paving marking plan; development schedule and anticipated completion time; agreements, by-laws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities, if applicable. [Note: This would include addressing with all applicable legal instruments the continued maintenance of all shared access drive easements and stormwater detention/retention areas.]*
- b. *All of those applicable requirements set forth in Section IX of the "Agreement" including (but not limited to) subsections F, G, H, I, K, N, O, P, and Q.*
- c. *Any other requirements of the "Agreement" deemed to be applicable by the City Attorney.*

## 6. **REVIEW OF THE PROPOSED CERTIFIED SURVEY MAP**

The proposed Certified Survey Map appears to meet the various requirements of Sections 236.20(2) and 236.34 of the Wisconsin Statutes.

With respect to the requirements of Section 278-39 of the City's Subdivision of Land Ordinance and other requirements of the City's Subdivision of Land Ordinance, the following comments are made:

- a. *The side yard setback line indicates 25 feet. However, in the B-1 District, only 10 feet is required. Therefore, this needs to be corrected on Sheet 1 of the proposed Certified Survey Map.*
- b. *Pursuant to the requirements of Section 278-65 of the City's Subdivision of Land Ordinance, one (1) street tree of a minimum 10-foot height is required for each 50 feet of street frontage along public street rights-of-way. Such street trees need to be provided and indicated on a revised "Landscape Plan."*

- c. *If required by the City Attorney, a City of Burlington approved "Subdivider's Agreement" (or "Developer's Agreement") and all required financial sureties shall be executed.*
- d. *If required by the City Attorney and City Engineer, stormwater detention/retention pond easements for the pond(s) proposed to be located on proposed Parcels 1 and 2.*
- e. *As indicated earlier, it is the understanding of Meehan & Company, Inc. that the applicant is desirous of providing only 45 of the required 60 off-street parking spaces for the restaurant on Parcel 2 and that the required 15 off-street parking spaces would be provided elsewhere on Parcels 2 and 3 through the use of cross parking easements. However, the proposed Certified Survey Map does not address this easement. Therefore, applicable easement language shall be added to Sheet 5 of 8 to address this issue and any other access easement issues which have been raised by the City Attorney. The revised language shall be approved by the City Attorney.*
- f. *Any required wetland fill permits shall be obtained from the appropriate County, State, or Federal agencies before construction in any wetland area commences. Any wetland delineations performed by wetland biologists and/or wetland fill permits obtained shall be copied by the subdivider to the City before construction in any wetland area commences.*
- g. *All engineering, grading, and stormwater management plans for the proposed Certified Survey Map shall be reviewed by the City Engineer prior to construction.*
- h. *All engineering for the Certified Survey Map shall meet the applicable conditions and requirements of all applicable City ordinances and other State and Federal regulations.*
- i. *The Certified Survey Map is subject to all conditions set forth in the Subdivider's Agreement (or Developer's Agreement) for the subject property.*
- j. *The proposed Certified Survey Map shall be subject to comments made by any objecting authority pursuant to the requirements of Sections 236.10 and 236.12 of the Wisconsin Statutes.*
- k. *Any and all technical deficiencies with the Certified Survey Map shall be corrected.*
- l. *All applicable City land division application fees and any outstanding land division related fees and any financial obligations as set forth in the Subdivider's Agreement (or Developer's Agreement or PUD Agreement) due the City shall be paid by the Subdivider.*
- m. *Any other additional requirements of the City Plan Commission, Common Council, City Administrator, City Attorney, Fire Chief, Police Chief, and/or City Engineer shall be met.*

## RECOMMENDATIONS

Based upon the foregoing analyses and findings, Meehan & Company, Inc. recommends the following:

- a. That the proposed Certified Survey Map for the subject property be recommended by the Plan Commission to the Common Council for conditional approval subject to numbered items 6(a) through 6(m) of this memorandum.
- b. That the proposed "General Development Plan" for Parcels 2 and 3 and that both the "General Development Plan" and "Detailed Plan" for Parcel 1 (including Site Plan, Landscape Plan, and Lighting Plan) of the PUD District be recommended by the Plan Commission to the Common Council for approval subject to the following:
  - 1) Plans and documents submitted by the applicant as set forth earlier in this memorandum.

- 2) The applicant addressing those issues raised under numbered items 3b1i, 3b2, 3i, 3p, 3q, 4a through 4d, 5a through 5c, and 6a through 6m of this memorandum prior to the issuance of a Building Permit.
  - 3) With respect to the proposed uses contemplated for Parcel 2, the applicant shall meet the conditional use requirements of Ordinance No. 1737(17) of the City of Burlington. This "General Development Plan" and "Detailed Plan" approval for Parcel 1 shall not be construed as an approval of any "Detailed Plan" (as set forth under the PUD District) for Parcels 2 and 3 or the grant of a Conditional Use Permit(s) for Parcel 2.
  - 4) Section 315-43(H)(2)(a)(3) of the PUD District allows for the City to consider the applicant's proposed departures from the standards of development as set forth in the City zoning regulations, land division ordinance, other City regulations or administrative rules, or other universal guidelines. Therefore, the City hereby grants a departure from the off-street parking requirements of Section 315-481, Table 5 of the Zoning Ordinance for Parcel 2 provided a shared parking easement is created for Parcels 1, 2, and 3 and provided the total number of all required off-street parking spaces for all three parcels (when considered as a whole) is met.
  - 5) That said approval does not include the approval of any signage at this point in time and that a signage plan will be submitted to the City at a later date.
  - 6) Any other additional requirements of the City Plan Commission, Common Council, City Administrator, City Attorney, Fire Chief, Police Chief, and/or City Engineer.
- c. That the proposed Conditional Use for Parcel 1 ("Farm and Garden Machinery, Equipment and Supplies Sales" and "Outdoor Display of Merchandise") be granted by the Plan Commission subject to:
- 1) The Common Council's conditional approval or approval of the proposed Certified Survey Map.
  - 2) The Common Council's approval of the rezoning of the subject property into the PUD Planned Unit Development Overlay District and the approval of the proposed "General Development Plan" and "Detailed Plan" for Parcel 1 (including Site Plan, Landscape Plan, and Lighting Plan) of the PUD District.
  - 3) All of those plans and documents submitted by the applicant as set forth earlier in this memorandum.
  - 4) The applicant addressing those issues raised under numbered items 3b1i, 3b2, 3i, 3p, 3q, 4a through 4d, 5a through 5c, and 6a through 6m of this memorandum prior to the issuance of a Building Permit.